

P R 281848Z DEC 66
FM AMEMBASSY BUENOS AIRES
TO SECSTATE WASHDC PRIORITY
INFO USCINCSO
CINCLANT
AMEMBASSY RIO DE JANEIRO
AMEMBASSY SANTIAGO
AMEMBASSY MONTEVIDEO
AMEMBASSY QUITO
AMEMBASSY LIMA
AMEMBASSY MEXICO
AMEMBASSY OTTAWA
AMEMBASSY LONDON
STATE GRNC

UNCLASSIFIED BUENOS AIRES 2481

Original Telegram was Confidential but has since been
de-classified

Copy from the National Archives
RG 59: General Records of the Department of state
1964-66 Central Foreign Policy File
File: POL 33-4 ARG

E.O. 12958: DECL: DECLASSIFIED BY NARA 09/02/2009
TAGS: [EFIS](#) [PBTS](#) [AR](#)
SUBJECT: EXTENDED NATIONAL JURISDICTIONS OVER HIGH SEAS

REF: STATE 106206 CIRCULAR; STATE CA-3400 NOV 2, 1966

¶1. PRESS REPORTS AND VARIETY EMBASSY SOURCES CONFIRM
NEW ARGENTINE LEGISLATION UNILATERALLY CHANGING SEAS JURIS-
DICTION NOW UNDER ADVANCED REVIEW. REPORTEDLY LAW WOULD
ESTABLISH SIX MILE TERRITORIAL SEA, PLUS ANOTHER SIX MILES
OF EXCLUSIVE FISHING JURISDICTION, PLUS ANOTHER EXTENDED ZONE
OF "PREFERENTIAL JURISDICTION" FOR FISHING PURPOSES. DRAFT-
LAW UNDER CONSIDERATION IN ARGENTINE SENATE BEFORE JUNE 28
COUP WOULD HAVE DEFINED ZONE OF PREFERENTIAL JURISDICTION
AS "EPICONTINENTAL SEA OUT TO 200 METER ISOBAR". IN SOUTHERN
ARGENTINA THIS ZONE SEVERAL HUNDRED MILES WIDE AND BLANKETS
FALKLAND ISLANDS.

¶2. NAVATT STATES ARGENTINE NAVY THINKING OF PREFERENTIAL
JURISDICTION OUT TO 200 MILES (AS IN PERU, ECUADOR, CHILE)
RATHER THAN EPICONTINENTAL SEA. 200 MILE LIMIT DOES NOT
RPT NOT REACH FALKLANDS. ARGENTINE NAVY OFF TOLD NAVATT
"200 MILE LIMIT SOON WILL BE STANDARD THROUGH HEMISPHERE".

¶3. FONOFF OFFICIALS REFERRING TO RECENT BRAZILIAN AND US
LEGISLATION HAVE INFORMALLY INDICATED DECISION ALREADY
FINAL RE SIX MILE TERRITORIAL SEA PLUS SIX MILE EXCLUSIVE
FISHING JURISDICTION, BUT THAT "PREFERENTIAL JURISDICTION"
STILL UNDER STUDY. TWO FONOFF MEN VOLUNTARILY AND INFORMALLY
SOUGHT EMBASSY REACTION TO POSSIBLE EXTENDED PREFERENTIAL
JURISDICTION BY SUGGESTING THAT US IN FACT HAS ACCEPTED
UNILATERALLY CREATED ECUADORIAN, PERUVIAN AND CHILEAN 200 MILE
LIMITS. EMBOFF REJECTED IDEA US ACCEPTS THESE LIMITS IN ANY
WAY AND POINTED OUT 1965 AMENDMENTS TO AID LEGISLATION AIMED
AT FURTHER PROTECTING US FISHING RIGHTS.

¶4. FONOFF LEGAL ADVISOR CONCEDES DISTINCTION BETWEEN
"EXCLUSIVE" AND "PREFERENTIAL" FISHING JURISDICTION A SEMANTIC
NICETY. HE UNDERSTANDS THAT IN ZONE OF "PREFERENTIAL" JURIS-
DICTION ARGENTINA WOULD CLAIM RIGHT TO TAX, LICENSE AND OTHER-
WISE CONTROL ALL ACTIVITIES RELATED TO EXPLOITATION OF
RESOURCES OF SEA.

¶5. DRAFT LEGISLATION ON SEAS JURISDICTION LAY DORMANT UNTIL
SUDDEN AND SUBSTANTIAL IN FISHIN ARGENTINE EPICONTINENTAL SEAS
BY CUBAN AND EAST EUROPEAN (ESPECIALLY SOVIET) VESSELS PAST
SIX MONTHS ALARMED ARGENTINE ARMED FORCES. (SEE NAVATT IR
5-804-0-140-66 OF NOV 18) NOT RPT NOT ALL SOVIET VESSELS WERE
FISHING OR FACTORY TYPES. FONOFF SOURCES INFORMALLY STATE
ARMED FORCES PRESSURE MAKES EMISSION NEW LAW IMPERATIVE, QUITE

POSSIBLY APPEARING WITHIN NEXT FEW WEEKS. WHEN ASKED BY FONOFF MEN ABOUT "SECURITY PROBLEMS CREATED BY SOVIET TRAWLERS OFF US COAST", EMBASSY OFF REPLIED US DID NOT RPT NOT SEE THAT UNILATERAL ATTEMPT TO EXTEND SEAS JURISDICTION OFFERED ANY REALISTIC SOLUTION FOR POSSIBLE SECURITY PROBLEMS, WHILE SUCH ACTION COULD CREATE NEW SOURCES POSSIBLE MISUNDERSTANDING AND CONFLICT.

¶6. RE PAR 3 STATE 106206 BELIEVE OUTLINED PROPOSAL MIGHT FORESTALL UNILATERAL ARGENTINE ATTEMPT TO SUBSTANTIALLY EXTEND "PREFERENTIAL" FISHING JURISDICTION ONLY IF EMBASSY CAN BE AUTHORIZED DISCUSS IDEA WITH ARGENTINES IMMEDIATELY. EVEN THEN CHANCES SUCCESS LIMITED BY (A) ADVANCED STAGE PROPOSED ARGENTINE LAW AND (B) PRIMACY SECURITY CONSIDERATIONS ARGENTINE THINKING. WE WOULD BENEFIT SOME FROM FONOFF LEGAL ADVISORS' QUALMS ABOUT UNILATERAL ACTION, AND FROM RESTRAINT OF RECENT BRAZILIAN LEGISLATION WHICH DID NOT RPT NOT GO BEYOND 12-MILE LIMIT.

¶7. FOR DISCUSSION WITH ARGENTINES WOULD MODIFY TEXT IN STATE 10942 CIRCULAR TO: (A) MAKE ALL REFERENCES TO ARGENTINA, VICE CANADA; (B) REFER TO PROPOSED ARGENTINE CLAIMS OF PREFERENTIAL JURISDICTION OVER WATERS WE REGARD AS HIGH SEAS; (C) ELIMINATE REFERENCES TO "TRADITIONAL DISTANT WATER FISHERIES", SINCE ARGENTINE COAST NOT RPT NOT TRADITIONAL FISHING ZONE (WHEREAS NO. 3); (D) ADD NOTATION THERE NO TRADITIONAL FISHING AND CONFINE OPERATIVE AGREEMENT TO PROVISIONS FOR NON-TRADITIONAL FISHING; (E) ELIMINATE LAST THREE PARS OF AIDE-MEMOIRE HANDED TO CANADIAN AMB.

¶8. IF AUTHORIZED, ENVISAGE TWO-STEP APPROACH TO FONOFF. FIRST, INFORMAL AND ORAL, STRESSING OUR INTEREST IN FREEDOM OF HIGH SEAS, NOTING EARLIER FONOFF CONFIRMATION NEW LAW UNDER STUDY, OUTLINING OUR PROPOSAL IN GENERAL TERMS. ON BASIS FONOFF REACTION, WE WOULD THEN COUCH AIDE-MEMOIRE IN TERMS WHICH WOULD APPEAR MOST LIKELY TO SUCCEED.

GP-3
SACCIO